

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LARRY HEGGEM,

Plaintiff,

v.

SNOHOMISH COUNTY CORRECTIONS, et
al.,

Defendants.

CASE NO. C11-1333RSM

ORDER ON PENDING MOTIONS

Plaintiff Larry Heggem, originally appearing *pro se*, filed this prisoner civil rights complaint pursuant to 42 U.S.C. § 1983. Dkt. # 5. After summary judgment was denied as to two defendants, the Court appointed counsel to represent plaintiff in preparation for trial. Dkt. # 250. The matter is now scheduled for trial on November 12, 2013. Dkt. # 257.

On July 23, 2013, plaintiff filed a motion for appointment of new counsel. Dkt. # 272. On July 31, 2013, he withdrew the motion, but then renewed in on August 13, 2013. Dkt. ## 277, 285. In the meantime, plaintiff's appointed counsel has moved for relief from the appointment. Dkt. # 274. Plaintiff subsequently filed additional motions asking the Court to order a settlement conference and an evidentiary hearing, and a motion to compel production of documents. Dkt. ## 279, 288, 291. Having considered these motions, the Court now finds and rules as follows:

ORDER ON PENDING MOTIONS - 1

1 (1) Motion by Counsel to Withdraw (Dkt. # 274)

2 It appears that counsel filed her motion for leave to withdraw in response to plaintiff's
3 expression of dissatisfaction in his earlier motion for appointment of new counsel. However, since
4 plaintiff is not entitled to representation by counsel of his choice, the Court will likely not exercise its
5 discretion to appoint new counsel if current counsel is allowed to withdraw. Before granting that
6 request, the Court needs more information as to the circumstances which necessitated the bringing of the
7 motion. Accordingly, counsel is directed to file, either under seal or *in camera*, a separate statement of
8 reasons supporting her request. The Clerk shall RE-NOTE the motion to withdraw (Dkt. # 274) on the
9 Court's calendar for September 13, 2013. Counsel's response shall be due on or before that date.

10 (2) Plaintiff's Pro Se Motions (Dkt. ## 279, 288)

11 A party represented by an attorney of record in a case cannot appear or act on his own behalf in
12 that case until after he has requested by motion to proceed *pro se*, and the motion is granted by an order
13 of substitution, terminating the party's attorney as counsel. Local Rule LCR 83.2(b)(4). Plaintiff's *pro*
14 *se* motions and other notices were filed in violation of this rule. The Clerk is accordingly directed to
15 STRIKE the three motions (Dkt. ## 279, 288, 291) from the motion calendar. Plaintiff's reinstated
16 motion to appoint new counsel (Dkt. # 285) shall remain on the motion calendar and shall be deemed the
17 motion required under LCR 83.2(b)(4). **Plaintiff shall submit no further motions or notices until the**
18 **Court has ruled on counsel's pending motion for withdrawal and plaintiff's own motion for new**
19 **counsel.**

20 DATED this 30 day of August 2013.

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22 RICARDO S. MARTINEZ
23 UNITED STATES DISTRICT JUDGE
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